

REMARKS

Summary of the Office Action

Information Disclosure Statement (IDS) filed September 12, 2003 fails to comply with 37 CFR 1.98(a)(2) and 1.98(a)(3).

Claims 11-12 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carr et al. (U.S. Patent No. 6,391,378) (hereinafter "Carr") in view of Yamada et al. (U.S. Patent No. 6,001,203) (hereinafter "Yamada") and Levey et al. (U.S. Patent No. 5,409,545) (hereinafter "Levey").

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Carr in view of Yamada and Kitamura et al. (U.S. Patent No. 6,139,639) (hereinafter "Kitamura").

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Carr in view of Yamada and Levey as applied to claim 11 above, and further in view of Kitahara et al. (U.S. Patent No. 6,595,819) (hereinafter "Kitahara").

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Carr in view of Yamada and Levey as applied to claim 11 above, and further in view of Vinouze et al. (U.S. Patent No. 5,431,771) (hereinafter "Vinouze").

Summary of the Response to the Office Action

Applicant has amended independent claim 11 to differently define the invention and amended claim 14 to improve its form. Also, Applicant has filed a new IDS to submit a legible

copy of JP 09-005762 and English abstracts for JP 05-127179 and JP 2000-310784 concurrently herewith. Accordingly, claims 11-17 remain pending for further consideration with claims 1-10 being withdrawn from consideration.

The IDS filed September 12, 2003

The Office Action indicates that the IDS filed September 12, 2003 fails to comply with 37 CFR 1.98(a)(2) and 1.98(a)(3). Specifically, JP 09-005762 is absent and abstracts for JP 05-127179 and JP 2000-310784 are not present. Since Applicant has filed a new IDS to submit a legible copy of JP 09-005762 and English abstracts for JP 05-127179 and JP 2000-310784 along with this response, Applicant respectfully submits that the new IDS now fully complies with 37 CFR 1.98(a)(2) and 1.98(a)(3).

All Claims Define Allowable Subject Matter

Claims 11-12 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carr in view of Yamada and Levey, claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Carr in view of Yamada and Kitamura, claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Carr in view of Yamada and Levey as applied to claim 11 above, and further in view of Kitahara, and claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Carr in view of Yamada and Levey as applied to claim 11 above, and further in view of Vinouze. To the extent that these rejections might be applied

against the claims as newly-amended based on a combination of references, they are respectfully traversed for at least the following reasons.

With regard to independent claim 11, as newly-amended, Applicant respectfully submits that Carr, Yamada and Levey, whether taken singly or combined, do not teach or suggest a claimed combination including at least a feature of “lifting up the body at a speed slower than a speed of the lowering the body, so that the nozzle is isolated from the substrate.”

The Office Action appears to allege at section 6 on page 3 that a combination of Carr, Yamada and Levey discloses all of the features of independent claim 11. Applicant respectfully disagrees. In contrast to the present invention of newly-amended independent claim 11, Carr merely discloses lowering and lifting a cylinder 26 with respect to a circuit board 10, but neither teaches nor suggests lifting the cylinder 26 at a speed slower than that of the lowering the cylinder 26. In other words, Applicant respectfully submits that Carr does not show the feature of “lifting up the body at a speed slower than that of the lowering the body, so that the nozzle is isolated from the substrate,” as recited by newly-amended independent claim 11.

In addition, the Office Action does not rely upon Yamada, Levey, Kitamura, Kitahara and Vinouze to remedy the deficiencies of Carr. Further, Applicant further respectfully submits that Yamada, Levey, Kitamura, Kitahara and Vinouze cannot remedy the deficiencies of Carr. Thus, Applicant respectfully submits that the Office Action has not established a prima facie case of obviousness.

Accordingly, Applicant respectfully submits that independent claim 11, as newly-amended, is in condition for allowance. MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Withdrawal of the rejection of independent claim 11 under 35 U.S.C. §103(a) is thus respectfully requested. Claims 12-17 are also in condition for allowance at least because of their dependencies from independent claim 11 and for the reasons set forth above.

With no other rejection pending, Applicant respectfully submits that claims 11-17 are in condition for allowance.

Conclusions

In view of the foregoing, Applicant earnestly solicits the issuance of a Notice of Allowability. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

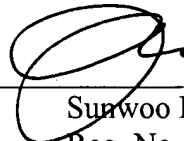
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

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By: _____


Sunwoo Lee
Reg. No. 43,337

Customer No. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Tel: 202.739.3000
Fax: 202.739.3001